

Beer Board Meeting Minutes
Thursday, July 16, 2009

The meeting began at 2:13 p.m., with the following in attendance:

Chairman Merrick Horne, Commissioner Jewel Jordan, Commissioner Sofia Atkins, Commissioner Robert Stevenson, Sergeant Robert Butterick, Detective David Ballard, Assistant County Attorney Christy Kinard, County Clerk's Office Representative Pam Catron, Beer Board Coordinator Ceceria Nickols.

I. Approval of Minutes

Commissioner Atkins moved to approve the minutes from the regular meetings of April 16, 2009 and May 21, 2009, and special called meeting of June 25, 2009, Commissioner Jordan 2nd. MOTION CARRIED.

II. New Applicants

A. Los Cabos Mexican Restaurant (on premise)

4141 Hacks Cross Road
Memphis, TN 38125-2878
Marco A. Gasca, Owner

Marco A. Gasca was in attendance. Chairman Horne asks his relationship with the business, Gasca is the owner. Chairman Horne asks Mrs. Catron about the applicant, she said he needs the certificate of resale. Chairman Horne asked about Abel Zavala, Gasca said he is part owner. Chairman Horne asked what the ownership percentage is, Gasca said co owners 50-50. Chairman asked where was Zavala, Gasca said he was downstairs. Chairman Horne asked if Mrs. Catron had any questions. Mrs. Catron asked Gasca what Zavala would be doing, he said working in the kitchen. Chairman Horne asked where the business is located, Gasca tells him. Chairman Horne asked if Zavala would be selling beer, Gasca said no. Commissioner Atkins asks about the driver's license and passport in the packet. Chairman explains how to read the passport. Commissioner Jordan asks if Zavala would sell beer, Gasca said no. Commissioner Atkins asked when they plan to open, Gasca said they are opened already. Commissioner Atkins asked about the operating time, Gasca said 11am until 10pm. Commissioner Atkins asked how many will be working, Gasca said 5. Commissioner Atkins how many selling beer, Gasca said 2. Commissioner Jordan asks Gasca which two, Gasca and Virginia, Gasca said yes. Chairman Horne asks Mrs. Catron about Zavala work VISA. Mrs. Catron said he can't sell beer but he can own the business. Commissioner Jordan asks about the menu, Mrs. Catron said it has been provided. Commissioner Jordan asks about the certificate of resale, Mrs. Catron explains. Commissioner Jordan moves to grant Los Cabos Mexican Restaurant an on premise permit contingent upon receipt of the certificate of resale, Commissioner Atkins, 2nd. MOTION PASSES. Chairman Horne asks Gasca had he read the rules and regulation of the Shelby County Beer Board, Gasca says yes. Chairman asks a hypothetical question about selling, Gasca answers correctly. Commissioner

Jordan asks a question about a senior citizen, would he ask for his identification, Gasca said yes.

Disposition: On premises beer permit approved.

B. El Molino Mexican Restaurant #2 (on premise)
1204 Houston Levee Road, Suite 10
Cordova, TN 38018
The Ibarra Companies, LLC, Owner

A representative from The Ibarra Companies was not in attendance. Chairman Horne asks Ms. Nickols to call them later in the agenda. Application deferred to August 20, 2009 prior to adjournment of meeting.

C. G.G.'s Hot Wings (on premise)
1105 Houston Levee, # 111
Cordova, TN 38018
Willie Richardson, Jr., Owner

Willie Richardson, Jr. was in attendance. Chairman Horne asks Mrs. Catron about the applicant, she said the application was complete. Commissioner Atkins asks when they plan to open, Richardson said they had been open for a month selling wings. Commissioner Atkins asks how many employees, Richardson said five. Commissioner Atkins asks about the background check, Richardson said yes everyone has a background check. Commissioner Jordan asked how many stores, Richardson said 1. Chairman Horne asks where the business is located, Richardson explains. Commissioner Atkins asks if there is a school nearby, Richardson says yes. Commissioner Atkins asks what the hours of operation are, Richardson tells her. Commissioner Atkins asks how many people will be selling beer, Richardson said 4. Commissioner Jordan asks Mrs. Catron if she has received record on everyone selling beer. (if no answer, delete question) Chairman Horne asks had he read the rules and regulations of the Shelby County Beer Board, Richardson said yes. Commissioner Atkins moved to grant G. G.'s Hot Wings an on premise permit. Mr. William Richardson, Sr. comes forward, to give the correct zip code. Chairman Horne repeats Commissioner Atkins motion, and Commissioner Jordan 2nd. MOTION PASSES.

Disposition: On premises beer permit approved.

D. East Shelby, Inc. (off premise)
9125 E. Shelby Drive, #101
Collierville, TN 38017
Aman Devji, Owner

Aman Devji was in attendance, he is the owner. Chairman asks Mrs. Catron about the applicant. She explains that at the last meeting proof of ownership was unclear; need to provide food permit and use of occupancy. Devji explains about the background checks.

Chairman Horne asks Mrs. Catron about the background checks, she explains. Chairman Horne asks Mrs. Catron about Shelby Station's permit. Chairman asks Mrs. Nickols if she sent the letter to Premier Station, she said no. Chairman Horne asks Devji about his permit, he explains. Chairman Horne asks Sergeant Butterick about this applicant, he said he did a follow up and explains. Commissioner Atkins asks Sergeant Butterick about the technicality about selling beer, Sergeant Butterick explains. Chairman asks Devji about the management agreement, he explains. Chairman Horne asks Attorney Kinard about this issue, subleasing and she explains. Chairman Horne explains to Devji that he doesn't have the right to sell beer until he comes before the Board. Attorney Kinard explains in detail the issue about "date of ownership" and the management agreement. June 10th is when he executed the agreement. Commissioner Atkins tells Devji he didn't have permission to sell beer, Devji tries to explain. Chairman Horne tells Devji about the Shelby County Beer Board regulations. Commissioner Jordan asks what name operating under now; Devji said E. Shelby, Inc. Commissioner Jordan asks managing or sole owner, Devji said after he gets the permit he will be the sole owner. Chairman Horne explains Devji has to have a permit from the Beer Board to sell beer. Chairman said "so you have been selling beer for 5 weeks without a permit," Devji says, yes. Chairman Horne asks him about the background checks, checks with Mrs. Catron about the # of people, she says 2. Chairman Horne asks Sergeant Butterick, if he has anything else to add, he speaks about the management agreement. Sale is not complete; Devji has 60 days to get everything in line. Commissioner Stevenson asks about the lease agreement. Chairman Horne asks Attorney Kinard, she explains. Chairman Horne asks Mrs. Catron did she speak with the applicant about background checks, Mrs. Catron tells him the application was submitted on 6-18-2009 for business licenses and beer permit. Chairman Horne asks if he bought as Premier C stores, Devji says no. Chairman Horne goes back to Devji getting the lease on June 10th; Jordan asks you were managing the store, Devji, yes. Commissioner Jordan tells him he has a management agreement but operating under his name, Devji, yes then explains. Commissioner Jordan asks him is he still selling beer, Devji yes. Commissioner Atkins says Devji has been mislead, give him the permit, provided he submits the background checks, and asks the Board to move on. Chairman Horne tells Devji again, "you cannot sell beer until you have a permit." Commissioner Jordan asks how many businesses, Devji said 13 in Memphis. Then Commissioner Atkins asks how many businesses in Memphis, Devji says 13. Commissioner Jordan advises him to go to that municipality first about getting beer permit. Chairman Horne says there was a change of ownership under management agreement 5 to 6 weeks ago. Chairman Horne asks Mrs. Catron if she advises him that he need to get a permit, she explains Devji was advised in June. Sergeant Butterick explains when he went by the business, Devji said he did have ownership, and said if he was illegal he would stop. Chairman Horne sums up the applicants issues, not Devji intent to sell beer illegally. Chairman Horne encourages him to read the rules and regulation of the Shelby County Beer Board. Commissioner Jordan moves to grant East Shelby, Inc an on premise permit, contingent upon receipt of the U&O and food permit, Commissioner Atkins, 2nd. MOTION PASSES

Disposition: Off premises beer permit approved.

III. Misdemeanor Citations

New Business

A. Tom Cat's Sports Bar (Permit # 10900009)

5960 HWY 51, Millington, TN 38053

Thomas Campbell, Owner

Carlena Tucker, employee cited

1. Sell of beer to a minor (Rules C.5 and D.4)
2. Failure to check identification (Rules C.5 and D.4)

Thomas Campbell is in attendance. Chairman Horne asks Mrs. Catron about this business, she explains. Chairman Horne asks Sgt. Butterick about info on the potential violations, he explains by reading the misdemeanor citation of December 12, 2008. Commissioner Atkins asks Sgt. Butterick did the officer make the arrest, Sgt. Butterick said he saw the transaction. Campbell said Tucker did check the ID, she read it wrong, and the court dropped the charges. Commissioner Atkins asked if Tucker still employed, Campbell said yes. Commissioner Atkins asked how long Tucker was employed with Campbell; he said a year and half. Commissioner Atkins asked Sgt. Butterick if there were any other violation, he said no. Chairman Horne asks Campbell about the incident, he repeats that Tucker did check the ID. Chairman Horne explains Campbell has been here before but the officer was not present. Commissioner Atkins moves to dismiss this case; Chairman Horne says he has admitted to selling beer to a minor. Commissioner Atkins moved to fine the business \$500 for selling beer to a minor, Commissioner Jordan 2nd. MOTION PASSES

Disposition: Civil penalty of \$500.00 assessed for selling beer to a minor in violation of the Beer Board Rules and Regulations.

B. Break Time BP (Permit # 10900009)

101 S. Houston Levee, Cordova, TN 38016

D M Restaurants, Inc., Owner

Clayton David Short, employee cited

1. Sell of beer to a minor (Rules C.5 and D.4)

No one was in attendance for Break Time BP. Chairman asks Ms. Nickols to mail notice to owner to appear at the next meeting.

C. Quick and Easy Grocery (Permit # 108004810)

9243 Grove Road, Cordova, TN 38016

Aida Samule, Owner

Irene Aluoch Oballa, employee cited

1. Sell of beer to a minor (Rules C.5 and D.4)
2. Unregistered employee (Rules A.1 and C.4)

Aida Samule was in attendance. Chairman Horne asks Mrs. Catron about the citation, she explains. Chairman Horne asks if Oballa is registered to sell beer, Samule explains she was ill and that Oballa was helping out and that, no she is not registered. Chairman Horne asks Sergeant Butterick about potential violations, he explains the incident by reading the misdemeanor citation of April 29, 2009. Chairman Horne asks Samule about the incident, does she question the citation, and she said Oballa checked for identification. Commissioner Atkins says there are two violations, sold beer and not authorized to sell beer. Commissioner Atkins asks how many employees, Samule says she is the only one. Commissioner Atkins asks what her hours are; Samule says 11am to 9pm. Chairman Horne moves to fine Quick and Easy Grocery, \$500.00 for selling beer to a minor and \$200.00 for unregistered employee. Commissioner Atkins moves Chairman Horne's motion and Commissioner Jordan 2nd. MOTION PASSES

Disposition: Civil penalty of \$500.00 assessed for selling beer to a minor and civil penalty of \$200.00 assessed for unregistered employee in violation of the Beer Board Rules and Regulations.

Notice of Potential Violations

A. Tobacco and Snacks (Permit # 108001931)

8091 E. Shelby Drive, Memphis, TN 38125

Tyrone and Teressa Hudson, Owners

Tyrone Hudson, employee cited

1. Sell of beer to a minor (Rules C.5 and D.4)

Chairman Horne asked Ms. Nickols if she mail notice to them to appear, she said yes. Attorney Kinard explains this is first notice for Beer Board of potential violation. Chairman Horne asks Ms. Nickols to mail notices to the owners to appear at the next meeting for Tobacco and Snacks, Circle K and Mr. P's Wings.

B. Circle K (Permit # 105006365)

4195 Hacks Cross, Memphis, TN 38125

Circle K Stores, Inc., Owner

Shana Teresa Jefferson, employee cited

1. Sell of beer to a minor (Rules C.5 and D.4)

C. Mr. P's Wings (Permit # 106000601)

5144 Riverdale, Memphis, TN 38141

Frederick Plummer, Owner

Ashley N. Fisher, employee cited

1. Sell of beer to minor (Rules C.5 and D.4)
2. Unregistered employee (Rules A.1 and C.4)

D. Bennington Mini Mart (Permit # 107000275)

5144 Riverdale #108, Memphis, TN 38141-8599

Nawal M. Alhajj, Owner

Khalid Ali Gaid, employee cited

1. Sell of beer to minor (Rules C.5 and D.4)
2. Failure to check identification (Rules C.5 and D.4)
3. Unregistered employee (Rules A.1 and C.4)

Nabil Haimed, husband of the owner submits power of attorney. Chairman asks Sergeant Butterick about the potential violations, he explains by reading the misdemeanor citation of May 14, 2009. Chairman Horne asks Haimed what happened, he explains. Sergeant Butterick reports court case information shows Gaid convicted June 27, 2008 for selling beer to a minor on April 22, 2008. Haimed says different employee. Chairman Horne asks Haimed to verify if Gaid is the same employee that previously sold beer to a minor. Chairman Horne asks to defer action. Commissioner Atkins moved to defer until the next meeting (without objection). Chairman Horne tells Haimed to come back with employee convicted last year on August 20th; he said that person doesn't work for him anymore. Chairman Horne tells Haimed to bring any documents with him to the next meeting to show these are two different employees.

Disposition: Deferred to August 20, 2009

Commissioner Atkins moved to adjourn; Commissioner Jordan and Commissioner Stevenson both second the motion (only 1 can 2nd). MOTION PASSES.

Adjournment of meeting to August 20, 2009 at 2:00 p.m.